

part of paper #20

CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231,

on NOVEMBER 4, 1993 (date of Deposit)

11-4-93 Hennitte Harris  
Date Name

RECEIVED  
NOV 24 93  
GROUP 330

PATENT  
2954/06403

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MICHAEL BIRSHA DAVIES ET AL.

Serial No.: 07/633,145

Group Art Unit: 3307

Filed: March 1, 1991

Examiner: A. Lewis

For: INHALATION DEVICE



-----  
Date: November 3, 1993

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Sir:

In order to comply with discretionary regulations 37 CFR 1.97 and 1.98, attached hereto is a copy of Form PTO-1449 and copies of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

The following patent is brought to the Examiner's attention which was cited in an official letter issued in New Zealand on August 5, 1993 (copy enclosed).

<u>U.S. PATENT NO.</u>	<u>INVENTOR</u>	<u>DATE OF PATENT</u>
3,380,578	G. C. Sparks	April 30, 1968

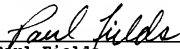
In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the

normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

  
\_\_\_\_\_  
Paul Fields  
Registration No. 20,298  
Attorney for Applicant(s)

DARBY & DARBY  
805 Third Avenue  
New York, NY 10022  
(212) 527-7700

Enclosures: Copy of New Zealand official letter  
1 sheet of Form PTO-1449  
1 disclosure document

NEW ZEALAND  
PATENT OFFICELevin House, 330 High Street, Lower Hutt. Telephone (04) 569 4400.  
Fax (04) 569 2298.

Please address correspondence to:

The Commissioner,

New Zealand Patent Office,

P.O. Box 30 687, Lower Hutt, New Zealand or DX 8986, Wellington.



5 August 1993

Baldwin Son & Carey  
DX 8134  
WELLINGTON

Dear Sirs

Patent Application No. 237274  
GLAXO GROUP LTD  
Your ref: DT666891

In reply to your letter of 1 July 1993 the Examiner, Natalie Gray, reports.

1. Receipt of new pages 32 and 37 is acknowledged. New page 32 has been incorporated into the complete specification. New page 37 has not been incorporated into the complete specification as it includes proposed new claims 29, 30 and 31. Although the attorney submits that these claims to a "combination" were proposed as a response to an objection by the examiner, the objection referred to could only have been resolved by replacing the "device" claims 1 to 4 with "combination" claims. The proposal to add new claims was not requested by the examiner, and therefore this proposal should be accompanied by a form No. 43.
2. Section 10(4)
- 2.1 The attorney's submissions in relation to the objection to the references to the medicament pack in the device claims 1 to 4 have been considered. While in claims 1, 3 and 4 there is some description of the device, and the references to the pack can be seen as clarifying that description, this is not the case in claim 2. The attorney's submissions that the description of the pack in claim 2 imposes some limitations on the structure of the device may or may not be correct, but what such limitations are is not clear from the claim. Accordingly the references to the pack in claims 1, 3 and 4 may remain, but it appears that claim 2 should include a feature relating to the device or, alternatively, it should be deleted.

-2-

P/A No. 237274 - contd

- 2.2 The words "adapted for use" should be deleted from claims 2, 3 and 4 to clarify these claims.
- 2.3 The attorney's submissions with regard to the unity of invention objection against claims 1 and 22 have been considered, however it appears that this objection must be maintained. The claim to the medicament pack (claim 22) does not appear to include descriptions of particular adaptations to make it suitable for use in the inhaler of claim 1. The attorney is referred to paragraph 4, 75(13) of the British Manual. To paraphrase that paragraph:
- Claims to a new form of inhaler and to a medicament pack particularly adapted to be used with this inhaler may be allowed if it is clear that there is a special adaptation to make the pack particularly suitable for the purpose.
3. Section 13
- 3.1 the attorneys submissions in regard to the citation of US 3482733 have been considered and this citation will be withdrawn.
- 3.2 As a result of further investigation under section 13 it appears that the invention, as claimed in at least claim 22, has been prior published in United States patent specification 3380578 - available 17 June 1983.

Yours faithfully

H BURTON  
Commissioner of PatentsPer: 